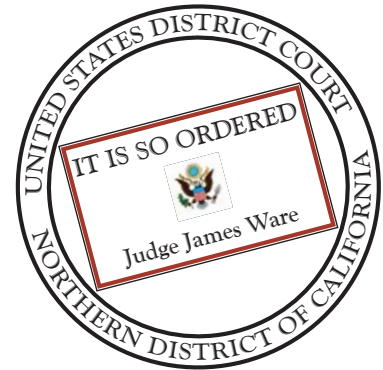


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FIRE INSURANCE EXCHANGE



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FIRE INSURANCE EXCHANGE ,  
Plaintiff,  
vs.  
GSW, INC., et al.,  
Defendants.

CASE NO. C03 02643 JW

**STIPULATION AND ORDER  
CONTINUING PRETRIAL  
CONFERENCE**

**I**

**STIPULATION**

Plaintiff FIRE INSURANCE EXCHANGE is represented by Ronald L. Miller, LAW OFFICE OF RONALD L. MILLER, 131A Stony Circle, Suite 500, Santa Rosa, California, 95401.

Defendants JACKES-EVANS MANUFACTURING COMPANY and GSW, INC., are represented by Kenneth D. Simoncini and Marilyn J. Winters, SIMONCINI & ASSOCIATES, 1694 The Alameda, San Jose, CA 95126.

The parties previously participated in a settlement conference before the honorable Magistrate Judge Richard Seeborg. That settlement conference failed to resolve this case. However, the parties, with Judge Seeborg's consent, agreed to complete their expert witness discovery and to then schedule a second settlement conference before Judge Seeborg. On Judge Seeborg's recommendation, this

1 court then continued the pretrial conference, which had been scheduled to take place in late July, to  
2 August 29, 2005.

3 The parties have since completed their expert witness discovery. And, a second settlement  
4 conference has been scheduled to take place on September 26, 2005. However, the date for that  
5 settlement conference is after the currently-scheduled date for the pretrial conference.

6 In order to allow the settlement conference to take place before the pretrial conference the  
7 parties stipulate that the pretrial conference be continued. And, the parties respectfully request that  
8 this court order the pretrial conference continued from August 29, 2005, to October 17, 2005 at  
9 11:00 a.m.

10 Dated: August 24, 2005

11 /S/  
12 RONALD L. MILLER  
13 COUNSEL FOR PLAINTIFF  
FIRE INSURANCE EXCHANGE

14 Dated: August 24, 2005

15 /S/  
16 KENNETH D. SIMONCINI  
17 COUNSEL FOR DEFENDANTS  
18 JACKES-EVANS MANUFACTURING  
19 COMPANY and GSW, Inc.

20 **II**

**ORDER**

21 Good cause appearing therefore, it is hereby ordered that the pretrial conference, currently  
22 scheduled to take place on August 29, 2005, is continued to October 17, 2005, at 11:00 a.m.

23 Dated: August 26, 2005

24 /s/ James Ware  
25 Hon. JAMES WARE  
26 United States Magistrate Judge